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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff/Counter-Defendant,

v.

INTUITIVE SURGICAL, INC.,

Defendant/Counter-Claimant.

Case No. 3:21-cv-03496-AMO

JOINT PROPOSED VOIR DIRE

Date: November 25, 2024

Time: 11:00 a.m.

Courtroom: 10

The Honorable Araceli Martínez-Olguín

1 Pursuant to the Court's Schedule and Pretrial Order of June 11, 2024, Dkt. 235, Plaintiff
2 Surgical Instrument Service Company, Inc., and Defendant Intuitive Surgical, Inc. hereby
3 provide their joint proposed voir dire questions. Pursuant to Section II.A.4. of the Court's
4 Schedule and Pretrial Order of June 11, 2024, the Parties have supplemented this joint proposed
5 voir dire by filing separate requests.

6 **JOINT PROPOSED VOIR DIRE**

7 1. I am going to read a brief description of this lawsuit. [READ THE JOINT
8 SIMPLIFIED STATEMENT OF THE CASE].

9 a. Have any of you read or heard anything about this case from any source
10 before today, or have any knowledge of this case? If so, what have you seen, read, heard, or
11 discussed? Where did you see, read, hear or discuss this case and with whom?

12 b. What opinions have you formed based on what you have seen, read, or
13 heard about this case? How will your opinions impact your views in this case?

14 c. Is there anything you have heard about this case that makes you concerned
15 you might not be able to decide it fairly and neutrally?

16 **Preliminary Questions**

17 2. Do any of you know any member of my staff on any basis, social, professional or
18 otherwise?

19 3. What types of things do you do in your free time?

20 a. Any hobbies or recreational activities?

21 b. Are you a member in civil, social, fraternal, union or professional
22 organizations?

23 c. Do you hold or have your held any appointed or elected offices in
24 government?

25 d. From what sources do you get your news?

26 4. When you purchase or receive a new electronic device or appliance, do you
27 usually begin using the product without reading the instructions?

28 5. How long have you owned your personal car?

1 6. Do you feel that an individual or a company suing has a legitimate case because
2 they have filed a lawsuit and now there is a trial? If so, will that influence you as a prospective
3 juror in this case?

4 7. Do you feel there are too many, too few, or just about the right number of
5 lawsuits?

6 8. Do you have any opinions for or against using lawsuits and the court system to
7 enforce the laws regulating competitive business practices?

8 **WITH THE UPCOMING QUESTIONS, IF THERE ARE ANY MATTERS**
9 **WHICH YOU WOULD RATHER DISCUSS PRIVATELY THAT MAY AFFECT YOUR**
10 **ABILITY TO BE A FAIR AND IMPARTIAL JUROR, PLEASE LET THE COURT**
11 **KNOW.**

12 9. Can you read, write, speak, and understand the English language?

13 10. Do any of you have any experience with robotic surgery, considered robotic or
14 laparoscopic surgery, or have a pending procedure scheduled?

15 **Corporations and Business Practices**

16 11. Who here agrees with the phrase “all is fair in business”? Tell us a little about
17 that.

18 12. Do you have strong positive or negative views of corporations or corporate
19 America?

20 **Concluding Questions**

21 13. I will instruct you on the law at the conclusion of the case. If selected as a juror,
22 you will take an oath to follow the law. Do any of you think you would have trouble following
23 the law as given to you, even if you may disagree with it?

24 14. Is there anything that has occurred to any of you, or are there any facts that you
25 think we should know that might have a bearing on your judgment in this case?

26 15. Who here has any opinions whatsoever about this case? What are your opinions?

27 16. Is there anything else you think we may want to know about your background,
28 experience or opinions that could influence you as a juror in a case involving robotic surgical
equipment and business practices in that industry?

1 Dated: October 28, 2024

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

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E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

Dated: October 28, 2024

By: /s/ Kenneth A. Gallo
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